

COUNSEL LISTED ON SIGNATURE BLOCK

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**In Re CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

This Document Relates to:

ALL INDIRECT PURCHASER ACTIONS

) No.: M-07-5944 SC
)
) MDL NO. 1917
)
) **STIPULATION AND [PROPOSED]**
) **ORDER RE: VOLUNTARY**
) **WITHDRAWAL OF INDIRECT**
) **PURCHASER PLAINTIFFS' CLAIMS**
) **AS TO ALLEGED CONSPIRACY**
) **DIRECTED TOWARDS CRT FINISHED**
) **PRODUCTS**

1 WHEREAS on December 10, 2010, the Indirect Purchaser Plaintiffs filed a third
2 consolidated amended complaint (the "Indirect TCAC");

3 WHEREAS the Indirect TCAC includes claims that Defendants have combined and
4 conspired to fix, raise, maintain or stabilize the prices of certain products containing CRTs
5 ("CRT Finished Products") (said claims herein referred to as the "CRT Finished Products
6 Conspiracy Claims");

7 WHEREAS the Indirect Purchaser Plaintiffs contend that the allegations of the
8 Indirect TCAC are justified and meritorious, but have concluded that as Indirect Purchasers
9 the withdrawal of the CRT Finished Product Claims will simplify their proof; and

10 WHEREAS counsel for the undersigned Plaintiffs and Defendants have conferred
11 concerning those claims, and have agreed that the Indirect Purchaser Plaintiffs shall withdraw,
12 without prejudice and subject to the terms below, their CRT Finished Products Conspiracy
13 Claims;

14 IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the
15 undersigned Plaintiffs and Defendants, that:

16 1. The Indirect Purchaser Plaintiffs hereby withdraw their CRT Finished Products
17 Conspiracy Claims stated in the Indirect TCAC without prejudice.

18 2. The Indirect Purchaser Plaintiffs hereby withdraw any and all requests for
19 discovery directed to discover information in support of the CRT Finished Products
20 Conspiracy Claims, and shall not reissue or issue new or similar requests for any such
21 discovery, unless the claims are reasserted as provided for in paragraph 3, below, or unless the
22 requests for discovery are also directed at the claims that are not withdrawn as set forth in this
23 paragraph. The Indirect Purchaser Plaintiffs do not withdraw requests regarding CRT
24 Finished Products specifically directed towards establishing causation, damages and class
25 certification (including discovery on pass-through of the overcharge), to the extent said
26 subjects relate to the alleged conspiracy to fix, raise, maintain or stabilize the prices of CRT
27 tubes and class-wide impact on purchasers of CRT Finished Products. By withdrawing their
28

1 CRT Finished Products Conspiracy Claims, the Indirect Purchaser Plaintiffs are not
2 abandoning any right to seek discovery directed at their claims, as set forth in the Indirect
3 TCAC, that the Defendants combined and conspired to fix, raise, maintain or stabilize the
4 prices of CRT tubes.

5 3. In the event that the Indirect Purchaser Plaintiffs decide to reassert their CRT
6 Finished Products Conspiracy Claims as contained in the Indirect TCAC, they shall do so by a
7 motion to amend their complaint. Defendants shall be entitled to re-assert any defenses they
8 had with regard to CRT Finished Products Conspiracy Claims. Provided, however, that the
9 statute of limitations on the CRT Finished Product Conspiracy Claims shall be tolled upon the
10 entry of this Stipulation and Order by the Court. Provided further, however, that Defendants
11 may oppose any motion to amend by Plaintiffs on the ground that the motion is not timely
12 filed if said motion is made 2 months before the close of discovery in this case.

13 4. There shall be no challenge pursuant to Federal Rules of Civil Procedure 11,
14 12(b) or 12(c) to the Indirect TCAC in this action based on the Indirect Purchaser Plaintiffs'
15 withdrawal of their CRT Finished Products Conspiracy Claims. All defenses to the Indirect
16 Purchaser Plaintiffs' claims relating to CRT tubes shall be unaffected by this stipulation, and
17 nothing herein shall be read to preclude any factual challenge to the Indirect TCAC such as
18 through a summary judgment motion.

19 5. In the event that the Defendants produce discovery to the Direct Purchaser
20 Plaintiffs or other plaintiff in this MDL action directed specifically towards whether
21 Defendants have combined and conspired to fix, raise, maintain or stabilize the prices of CRT
22 Finished Products, said discovery shall also be produced to the Indirect Purchaser Plaintiffs.

23 6. On March 21, 2011, certain Defendants filed a Motion for Sanctions Pursuant
24 to Rule 11 (the "Rule 11 Motion"). The Rule 11 Motion is hereby withdrawn without
25 prejudice as to the Indirect Purchaser Plaintiffs only. This stipulation, and evidence of any
26 negotiations of this stipulation, shall not constitute any admission, evidence, concession or
27 waiver by the Indirect Purchaser Plaintiffs regarding the merits of the Rule 11 motion.

1
2 Dated: April 20, 2011

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Pursuant to General Order, § X-B, the filer attests that concurrence in the filing of
this document has been obtained from each of the above signatories.

*The Special Master recommends that the District Court
approve the stipulation and order. April 21, 2011, Charles A. Lopez.*
PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: April 22, 2011

